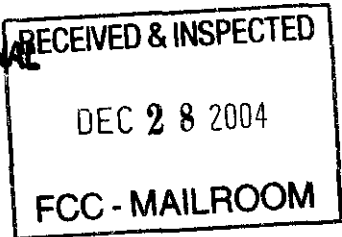


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December 27, 2004

Ms. Marlene Dortch
Office of the Secretary
Federal Communications Commission
445 Twelfth Street, S.W.
12th Street Lobby - TW - A325
Washington, D.C. 20554

Re: Response of Charles Crawford to Reply
Comments of "Logansport Broadcasting."

Dear Ms. Dortch:

Enclosed is an original and four (4) copies of my
Response to Reply Comments of Logansport Broadcasting for
MB Docket No. 04-317, Center, Texas and Logansport,
Louisiana.

Respectfully submitted,

A handwritten signature in black ink, appearing to be "Charles Crawford", written over a horizontal line.

Charles Crawford
4553 Bordeaux Ave.
Dallas, Texas 75205
(214) 520-7077 Tele

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Center Response Com

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To: John Karousos, Assistant Chief
Audio Division of the
Media Bureau

I, Charles Crawford, hereby respond to the Reply
Comments submitted by Logansport Broadcasting in the above-
captioned proceeding on December 9, 2004.

Logansport Broadcasting has filed a counterproposal in this proceeding which among other things proposes to relocate the reference coordinates of a Class C2 FM vacant allotment to the most site restricted location as is mathematically possible. Let me say that again, the most site restricted location as is mathematically possible. One second of either longitude or latitude will short space this 50,000 watt vacant allotment. Therefore, the area to fully space this 50,000 watt vacant allotment is a

rectangle approximately 25.5 meters by 29.4 meters. A site restriction for a C2 vacant allotment which is this extreme is not in the original proponents interest and or in the public interest. Certainly unusual circumstances exist in this case where the counterproponent proposes an extremely restricted area within which to locate a vacant C2 allotment.

In a normal allotment proceeding, a petitioner proposes a new channel and reference coordinates and along with that is their commitment to construct and operate if granted. Should the original proponent decide to dramatically site restrict a proposed allocation it carries with it their commitment to construct and operate if granted. Does the FCC violate and void the commitment of the original proponent if they allow the vacant allotment of a 50,000 watt FM to be site restricted to an area smaller than the size of a 7-Eleven parking lot? Not only is the Federal Communications Commission the regulatory authority of radio stations in the United States but in the case of vacant allotments one could make the argument that they are also the public trustee. At the very least while in their custody ship the FCC has an implied obligation to the original proponent not to so degrade the allotment that

the original commitment to construct and operate becomes meaningless.

In their Reply Comments dated December 9, 2004, Logansport Broadcasting provided aerial photographs of the proposed new reference coordinates for the vacant allotment Channel 247C2 at Longview, Texas. However, Logansport Broadcasting did not provide the date these aerial photographs were taken. Without knowing when these photographs were taken it is impossible to evaluate their usefulness to this proceeding.

Also, in their Reply Comments at page 5 of the Engineering Statement, titled PART III - Additional Options, Logansport Broadcasting suggest that if the allotment reference of Channel 248A at Logansport were changed to NL: 31 56 00, WL: 93 57 02, the area to locate the vacant allotment Channel 247C2 at Longview, Texas would increase to a large land area of 35.6 square kilometers. This is not an option, the Commission has held that it will not allow rulemaking participants to perfect their proposals after the comment date to the prejudice of another party.¹ Additionally, the Commission has insisted that rule making counterproposals be "technically correct and substantially complete" as of the date of filing.

¹ See Santa Margarita and Guadalupe, California, 4 FCC Rcd 7887 (MM Bur. 1989)

See, e.g. *Broken Arrow, Oklahoma et al.*, 3 FCC Rcd 6507, 6511, n. 2 (Policy and Rules Division 1988); *Springdale, Arkansas et al.*, 4 FCC Rcd 674, 677, n. 7 (Policy and Rules Division 1989); *Detroit, Texas et al.*, 13 FCC Rcd 16561, 16563 (Allocations Branch 1998).

Additionally, counsel for Logansport Broadcasting failed to serve Anna M. Canterbury with their December 9, 2004 Reply Comments. Ms Canterbury filed an expression of interest in the Center, Texas proceeding on September 27, 2004 and was included on my service list to Petitioner's Reply Comments dated October 18, 2004. I am sure that this was an honest oversight by Logansport Broadcasting. However, since Ms Canterbury might have an opinion in this proceeding I would assume that she would prefer to be served rather than not.

The Commission requires a proposed transmitter site to be both suitable and available. See Grand View, Idaho, 15 FCC Rcd 2768 (2000); Cussetta, Georgia, 6 FCC Rcd 7437 (1991). It appears that the severely site restricted transmitter site proposed by Logansport Broadcasting for the vacant allotment Channel 247C2 at Longview, Texas is not suitable and possibly not available. Therefore, the Logansport Broadcasting Counterproposal should be denied

and the proposed Channel 248A at Center, Texas, granted.

Should the Commission decide to allot Channel 248A at Center, Texas, Petitioner will apply for Channel 248A at Center, Texas and after it is authorized, will promptly construct the new facility.

The factual information provided in this Response to Reply Comments is correct and true to the best of my knowledge.

Respectfully submitted,



Charles Crawford
4553 Bordeaux Ave.
Dallas, Texas 75205
(214) 520-7077 Tele

cc: Gene A. Bechtel, Law Office of Gene Bechtel, Suite 600, 1050 17th Street, N.W., Washington, D.C. 20036, telephone (202) 496-1289, telecopier (301) 762-0156, attorney for Charles Crawford. It is requested that the Commission and any parties who may file pleadings in the captioned matter serve copies to Mr. Bechtel as well as Charles Crawford.

December 27, 2004

Center Response

CERTIFICATE OF SERVICE

I, Charles Crawford, do hereby certify that I have on this 27th day of December, 2004 caused to be mailed by first class mail, postage prepaid, copies of the foregoing "Response to Reply Comments of Logansport Broadcasting" to the following:

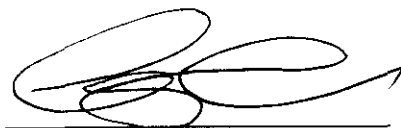
Sharon P. McDonald
Federal Communications Commission
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Washington, DC 20554

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1850 M Street, N.W., #240
Washington, D.C. 20036

Anna M. Canterbury
Noalmark Broadcasting Corporation
202 West 19th Street
El Dorado, AR 71730

A handwritten signature in black ink, appearing to read 'Charles Crawford', written over a horizontal line.

Charles Crawford